



Report to the Auburn City Council

Action Item
Agenda Item No. 2
<i>[Signature]</i> City Manager's Approval

To: Honorable Mayor and City Council Members
From: Michael G. Colantuono, City Attorney
Date: February 22, 2010
Subject: Ordinance Repealing Obsolete Provisions of the Municipal Code

The Issue

Shall the City Council waive full reading and adopt an ordinance to repeal Sections 11.30 - 11.34, Sections 31.080 - 31.081, Section 35.01, Sections 50.25 - 50.31, Chapter 51, and Chapter 75 of the City of Auburn Municipal Code?

Conclusions and Recommendations

Staff recommends the Council waive full reading and introduce the attached ordinance to repeal Sections 11.30 - 11.34, Sections 31.080 - 31.081, Section 35.01, Sections 50.25 - 50.31, Chapter 51, and Chapter 75 of the City of Auburn Municipal Code because these provisions are obsolete or unnecessary.

Background

The Council gave first reading to this ordinance on February 8th and it is now presented for adoption. As the Council requested, the Code provisions to be repealed are attached.

The provisions of the City of Auburn Municipal Code, addressed in the recommended ordinance, have become obsolete because of new development in state law and changes in circumstances. Sections 11.30 - 11.34 relate to citations and have been preempted by the Penal Code. Sections 31.080 - 31.081 relate to law enforcement officers and are not needed for the City's continue participation in the training programs offered by the Peace Officer Standards & Training Commission ("POST"). Section 35.01 relates to smoking policy and has been preempted by state law. Sections 50.25 - 50.31 relate to the City dump, which is no longer in operation. Chapter 51 relates to City provision of water services and is obsolete and ineffective given the role of the Placer County Water Authority as the community's water utility. Finally, Chapter 75 relates to traffic schedules and is obsolete because speed limits have now been established by resolution.

Alternatives Available to Council; Implications of Alternatives

1. Waive full reading and adopt an ordinance to repeal Sections 11.30 - 11.34, Sections 31.080 - 31.081, Section 35.01, Sections 50.25 - 50.31, Chapter 51, and Chapter 75 of the City of Auburn Municipal Code.
2. Not adopt an ordinance to repeal Sections 11.30 - 11.34, Sections 31.080 - 31.081, Section 35.01, Sections 50.25 - 50.31, Chapter 51, and Chapter 75 of the City of Auburn Municipal Code, leaving these obsolete provisions intact.

Fiscal Impact

The City Attorney and staff time necessary to prepare this ordinance are budgeted. Repeal of these obsolete code provisions may achieve minor cost savings by eliminating distracting and unnecessary provisions of the City Code.

Attachments - Ordinance repealing Sections 11.30 - 11.34, Sections 31.080 - 31.081, Section 35.01, Sections 50.25 - 50.31, Chapter 51, and Chapter 75 of the City of Auburn Municipal Code.

Auburn Municipal Code Sections 11.30-11.34, 31.080-31.081, 35.01, 50.25-50.31 and Chapters 51 and 75.

Proposed Obsolete Provisions of the Municipal Code

CITATIONS

§ 11.30 TITLE.

This subchapter shall be known and may be cited as the "Citation Law of the City of Auburn."

(1973 Code, § 1-5.01) (Ord. 482, eff. - -)

§ 11.31 AUTHORITY.

The provisions of this subchapter are enacted pursuant to the authority contained in Cal. Penal Code § 853.6.

(1973 Code, § 1-5.02) (Ord. 482, eff. - -)

§ 11.32 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARRESTING OFFICER and **OFFICER.** Any police officer of the city, any official of the city who is charged with the enforcement of the laws of the city or the City Manager.

(1973 Code, § 1-5.03) (Ord. 482, eff. - -)

§ 11.33 NOTICES TO APPEAR.

(A) Whenever any person is arrested for the violation of any law of the city and the person is not immediately taken before a magistrate, as prescribed in the Penal Code of the state, the arresting officer shall prepare, in duplicate, a written notice to appear in court containing the name and address of the person, the offense charged and the time and place when and where the person shall appear in court.

(1973 Code, § 1-5.04)

(B) The time set forth in the notice to appear shall be at least 5 days, but not more than 15 days, after the arrest. The place set forth in the notice to appear shall be either:

(1) Before a judge of a justice court or a Municipal Court in the county who is nearest and most accessible with reference to the place where the arrest is made;

(2) Upon the demand of the person arrested, before a judge of the Municipal Court at the county seat or before a judge in the judicial district in which the offense is alleged to have been committed; or

(3) Before an officer authorized by the city or the Auburn Judicial District Court to receive a deposit of bail.

(1973 Code, § 1-5.05)

(C) (1) The arresting officer shall deliver 1 copy of the notice to appear to the arrested person, and the arrested person, in order to secure his or her release, shall give his or her written promise to appear in court by signing the duplicate notice, which shall be retained by the officer.

(2) Thereupon, the arresting officer shall forthwith release the person arrested from custody.

(3) The arresting officer shall, as soon as practicable, file the duplicate notice with the magistrate specified in the notice to appear.

(4) Thereupon, bail shall be set and the matter dealt with according to law.

(1973 Code, § 1-5.06)

(Ord. 482, eff. - -)

§ 11.34 PROMISES TO APPEAR.

(A) Any person wilfully violating his or her written promise to appear in court shall be deemed guilty of a misdemeanor, regardless of the disposition of the charge upon which he or she was originally arrested. The violation shall be punishable as set forth in § 10.99.

(1973 Code, § 1-5.07)

(B) No warrant shall issue on the charge for the arrest of a person who has given the written promise to appear in court unless and until he or she has violated the promise to appear, or has failed to deposit bail, or to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment as required by law.

(1973 Code, § 1-5.08)

(C) (1) Whenever a person signs a written promise to appear and has not posted bail, as provided in Cal. Penal Code § 853.6, to assure his or her appearance, the magistrate shall issue and have delivered for execution a warrant for the arrest of the person within 20 days after his or her failure to appear as promised or, if the person

promises to appear before an officer authorized to accept bail, other than a magistrate, and the person fails to do so on or before the date on which he or she promised to appear, then within 20 days after the delivery of the written promise to appear by the officer to a magistrate having jurisdiction over the offense.

(2) Whenever the person violates his or her promise to appear before the officer authorized to receive bail, other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

(1973 Code, § 1-5.09)

§ 31.080 DECLARATION OF QUALIFICATION.

The Council hereby declares that it desires to qualify to receive aid from the state pursuant to the provisions of Cal. Penal Code Chapter 1 of Title 4 of Part 4.

(1973 Code, § 2-3-401) (Ord. 511, eff. - -)

§ 31.081 DECLARATION OF ADHERENCE TO STANDARDS.

Pursuant to the provisions of Cal. Penal Code Part 4, Title 4, Chapter 1, § 13522,, the city, while receiving aid from the state pursuant to the Chapter 1, shall adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

(1973 Code, § 2-3-402) (Ord. 511, eff. - -)

§ 35.01 SMOKING POLICY.

(A) *Findings and purpose.*

(1) The City Council hereby finds as follows: The U.S. Environmental Protection Agency (EPA) has determined that tobacco smoke is a major source of indoor air pollution, and the Surgeon General's 1986 report on the Health Consequences of Involuntary Smoking concludes that exposure to tobacco smoke places healthy non-smokers at increased risk for developing lung cancer. Other health hazards of involuntary smoking include respiratory infection, bronchoconstriction, and bronchospasm. While all members of the population are truly at increased risk due to exposure to sidestream tobacco smoke, it constitutes a special health hazard for children, the elderly, and people with chronic lung disorders.

(2) The Surgeon General labels smoking "the largest single preventable cause of death and disability for the U.S. population."

(3) Employees subject to prolonged exposure to sidestream smoke in the workplace have been found in scientifically conducted studies to experience a loss of job productivity and some have been forced to take periodic sick leave because of reactions to secondhand smoke. Furthermore, studies have shown higher costs to the employer are associated with smoking in the workplace due to increases in absenteeism, accidents, costs of medical care, loss of productivity, and cleaning and maintenance requirements. A recent scientific study has reported that sidestream smoke from tobacco may cause a significant amount of cardiovascular disease in the United States and that the number of deaths from this cause may exceed the deaths caused by lung disease associated with sidestream smoke. Smoking in public places and workplaces is a major cause of fires and damage to merchandise and equipment, as well as costly maintenance and repairs to furniture and fixtures.

(4) The health care costs produced by smoking-related ailments and diseases constitute a heavy and avoidable financial drain on our community.

(5) Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to non-smokers and constitutes a public nuisance in public places and workplaces.

(1973 Code, § 6-10.01) (Ord. 91-4, eff. 4-10-1991)

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BAR. An area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only

incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term **BAR** shall not include the restaurant dining area.

BUSINESS. Any sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

DINING AREA. Any enclosed area containing a counter or table upon which meals are served.

EMPLOYEE. Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

EMPLOYER. Any person, partnership, corporation, including a municipal corporation, or nonprofit entity who employs the services of one or more individual persons.

ENCLOSED AREA. All space between a floor and ceiling which is enclosed on all sides by solids walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

NONPROFIT ENTITY. Any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational, character building, political, social, or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a "nonprofit entity" within the means of this section.

PLACE OF EMPLOYMENT. Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias, and hallways.

(a) A private residence is not a **PLACE OF EMPLOYMENT** unless it is used as a child care or health care facility.

(b) The dining area of a restaurant is not a **PLACE OF EMPLOYMENT**.

PUBLIC PLACE. Any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food

production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a **PUBLIC PLACE**.

RESTAURANT. Any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term **RESTAURANT** shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a **BAR** as defined in this section.

RETAIL TOBACCO STORE. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

SERVICE LINE. Any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

SMOKING. Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant, or other combustible substance in any manner or in any form.

SPORTS ARENA. Sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

(1973 Code, § 6-10.02) (Ord. 91-4, eff. 4-10-1991)

(C) *Application of chapter to city-owned facilities.* All enclosed facilities owned by the city shall be subject to the provisions of this chapter.

(1973 Code, § 6-10.03) (Ord. 91-4, eff. 4-10-1991)

(D) *Prohibition of smoking in public places.* Smoking shall be prohibited in all enclosed public places within the city, including, but not limited to, the following places:

- (1) Elevators;
- (2) Lobbies;
- (3) Buses, taxicabs, and other means of public transit under the authority of the city and ticket, boarding, and waiting areas of public transit depots;
- (4) Restrooms;
- (5) Service lines;

(6) Retail stores;

(7) All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, attorneys' offices and other offices, banks, hotels, and motels;

(8) Restaurants.

(1973 Code, § 6-10.04) (Ord. 91-4, eff. 4-10-1991)

(E) *Regulation of smoking in places of employment.*

(1) It shall be the responsibility of employers to provide a smoke-free workplace for all employees, by employers are not required to incur any expense to make structural or other physical modifications.

(2) Within 180 days of the effective date of this section, each employer having an enclosed place of employment located within the city shall adopt, implement, make known, and maintain a written smoking policy which shall contain the following requirements:

“Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work area, auditoriums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.”

(3) The smoking policy shall be communicated to all employees within 3 weeks of its adoption.

(4) All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

(5) Employers seeking assistance in the development of a written smoking policy, within the first year of this section codified in this chapter, may contact the Placer County Health Department Tobacco Prevention Program for assistance. Subsequent assistance can be obtained through the office of the City Manager.

(1973 Code, § 6-10.05) (Ord. 91-4, eff. 4-10-1991)

(F) *Where smoking not regulated.*

(1) Notwithstanding any other provision of this section to the contrary, the following areas shall not be subject to the smoking restrictions of this section:

(a) Bars;

- (b) Private residences, except when used as a child care or health care facility;
- (c) Hotel and motel rooms rented to guests;
- (d) Retail tobacco stores;
- (e) Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions.

(2) Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

(1973 Code, § 6-10.06) (Ord. 91-4, eff. 4-10-1991)

(G) *Smoking ordinance exemption clause.*

(1) Any owner, manager or operator of a business or other establishment subject to this section may petition for an exemption or modification to its provisions. Exemption may only be granted on:

- (a) A showing by the petition that significant financial hardship has occurred or could occur due to compliance; and/or
- (b) The proposed implementation of an alternative approach or tested and proven technology which would provide equivalent protection from the health hazards of environmental tobacco smoke.

(2) Written request for exemption shall be submitted to the office of the City Manager at 1225 Lincoln Way. The request shall be on the form provided by the city.

(3) All appeals will be submitted to the city's Smoking Ordinance Administrative Hearing Board who will consider the request for exemption at a scheduled hearing, which results in a decision relative to the request for exemption. Supporting documentation shall be made available by the appealing business, which shall substantiate financial hardship. City staff shall be responsible for the coordination and scheduling of the administrative hearing and shall not render opinions or recommendations to the Smoking Ordinance Administrative Hearing Board.

(4) Administrative Hearing Board members shall be appointed by the City Council and shall consist of:

- (a) A certified public accountant;
- (b) A licensed physician;

- (c) A specialist with expertise in air filtering technology;
- (d) A business person; and
- (e) A citizen-at-large.

(5) Administrative hearing will be scheduled within 20 days of receipt of the request for exemption.

(6) The fee for administrative hearing shall be \$20. Administrative Hearing Board members shall serve on a voluntary basis, without compensation, other than vehicle mileage reimbursement in conjunction with the hearing.

(7) The city shall indemnify all hearing panel members from liability relative to their participation on the Smoking Ordinance Administrative Hearing Board in matters concerning the city's smoking ordinance.

(8) Administrative hearing decisions may be appealed, in writing, to the City Council within 20 days of the Hearing Board decision. The City Council shall review hearing findings and rule on the findings. The City Council's decision is binding and final.

(1973 Code, § 6-10.065) (Ord. 92-18, eff. 8-26-1992)

(H) *Posting of signs.*

(1) "Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than 1 inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is regulated by this section, by the owner, operator, manager or other person having control of the building or other place.

(2) Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the theater or auditorium, and in the case of motion picture theaters, the information shall be shown upon the screen for at least 5 seconds prior to the showing of each feature motion picture.

(1973 Code, § 6-10.07) (Ord. 91-4, eff. 4-10-1991)

(I) *Enforcement.*

(1) Enforcement of this section shall be implemented by the City Fire Marshal.

(2) Any citizen who desires to register a complaint under this section may initiate enforcement through the office of the City Manager.

(a) Upon receipt of the first complaint within a 12-month period, the City Manager shall write a letter to the violator outlining this section and the stated complaint of violation.

(b) Subsequent complaints within a 12-month period may result in formal action against the establishment.

(3) The Fire Department shall require, while an establishment is undergoing otherwise mandated inspections, a "self-certification" from the owner, manager, operator or other person having control of the establishment that all requirements of this section have been complied with.

(4) Any owner, manager, operator or employee of any establishment regulated by this section may inform persons violating this section of the appropriate provision thereof.

(1973 Code, § 6-10.08) Penalty, see § 10.99

50.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY DUMP. The certain real property owned by the city.

DUMP MASTER. The individual with whom the city has contracted for the operation and maintenance of the City Dump.

GARBAGE. Every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay, dealing in or storage of meat, fish, fowl, birds, fruits or vegetables. **GARBAGE** shall not include dishwater, waste water or dead animals.

PERMIT. A written permit issued by the City Manager in card form in accordance with the provisions of § 50.29.

RUBBISH. Wood, leaves, dead trees or the branches thereof, chips, shavings, woodenware, dodgers, printed matter, paper, pasteboard, grass, rags, straw, boots, shoes, hats and all other combustible matter not included in the definition of garbage.

WASTE MATTER. Natural soil, earth, sand, clay, gravel, loam, manure, stone, bricks, brickbats, plaster, portland cement, crockery, queensware, glass, glassware, ashes, cinders, shells, metals and all other non-combustible materials.

(1973 Code, § 6-2.01) (Ord. 451, eff. - -)

§ 50.26 DEPOSIT OF GARBAGE, RUBBISH AND WASTE MATTER LIMITED.

(A) It shall be unlawful to deposit any garbage or rubbish within the city, or within 400 yards of the city, except at the City Dump.

(B) Waste matter, if not removed beyond the city limits, may be used to fill low lots within the city upon the written permission of the Health Officer with the approval of the City Manager.

(1973 Code, § 6-2.02) (Ord. 451, eff. - -) Penalty, see § 10.99

§ 50.27 CONFORMITY WITH SIGNS AND INSTRUCTIONS.

No person shall dump garbage, rubbish or waste matter at the City Dump, except in conformity with posted signs and any verbal instructions given the person by the Dump Master or his or her authorized assistants.

(1973 Code, § 6-2.03) (Ord. 451, eff. - -) Penalty, see § 10.99

§ 50.28 DAYS AND HOURS OF OPERATION.

The Council shall, by resolution, from time to time establish the days and hours of operation for the City Dump during which it shall be attended by the Dump Master, or a duly authorized assistant, for the purpose of conducting, in accordance with his or her contract, a sanitary landfill disposal operation on the City Dump and directing the proper dumping of garbage, rubbish and waste matter. No person shall dump garbage, rubbish or trash at the City Dump except within the hours and on the days so established by the Council and posted on the premises.

(1973 Code, § 6-2.04) (Ord. 451, eff. - -)

§ 50.29 PERMITS TO DUMP; REQUIRED; REVOCATION.

The City Manager shall issue to the persons designated in § 50.30 a permit for the purpose of allowing the person, and the members of his or her immediate family residing with him or her in the city, to use the facilities of the City Dump. The permit shall be non-transferable and shall be displayed to the Dump Master, or his or her regularly appointed assistants, upon demand prior to the use of the City Dump by the person and on each occasion of the use. The violation of any of the provisions of this subchapter shall be cause for revocation of the permit.

(1973 Code, § 6-2.05) (Ord. 451, eff. - -)

§ 50.30 PERMITS TO DUMP; ELIGIBILITY.

The permit described in § 50.29 shall be issuable upon the request of the person involved by the office of the City Manager to the following persons only, and then only during their continuing in that status:

- (A) A resident of the city;
- (B) Persons residing outside the city, but licensed pursuant to the provisions hereof to do business and actually doing business, within the city; and
- (C) Any person contracting with the city for public works or other contract services within the city.

(1973 Code, § 6-2.06) (Ord. 451, eff. - -)

§ 50.31 GARBAGE, RUBBISH AND TRASH; ORIGINATION WITHIN CITY.

No person shall use the facilities of the City Dump for the disposition of any garbage, rubbish or trash which does not originate within the city.

(1973 Code, § 6-2.07) (Ord. 451, eff. - -) Penalty, see § 10.99

CHAPTER 51: WATER

Section

51.01 Distribution

51.02 Acquisition and distribution

51.03 Airport water connection fee

§ 51.01 DISTRIBUTION.

The distribution of water by the city shall be to an area the boundaries of which are coterminous with the boundaries of the city.

(1973 Code, § 6-8.01) (Ord. 546, eff. - -)

§ 51.02 ACQUISITION AND DISTRIBUTION.

The Council declares that it is in the public interest and for the general welfare of the city to exercise as a municipal corporation all of its statutory and inherent rights, duties and powers for the acquisition and distribution of water to the inhabitants of the city.

(1973 Code, § 1-6.01) (Ord. 546, eff. - -)

§ 51.03 AIRPORT WATER CONNECTION FEE.

(A) Any person making a connection to any of the water improvements (including appurtenant electrical improvements) that have been constructed at the expense of the city at the Auburn Municipal Airport, or expanding, modifying, enlarging or conducting any other activity that will increase the volume of water already consumed through a connection to said improvements, shall pay an "Airport Water Connection Fee" to the city.

(B) The amount of the Airport Water Connection Fee shall be at the rate set by ordinance or resolution of the City Council \$4.49/square foot of permitted space connected to the water improvements.

(C) The Airport Water Connection Fee is a "capacity charge" for purposes of Cal. Gov't Code § 66013 except to the extent it is a "connection charge" pursuant to that section.

(D) The Airport Water Connection Fee is due and payable at the time a building permit is issued for a structure that will be connected to the water improvements, and no building permit shall be issued unless the required connection fee has been paid.

(E) The purpose of the Airport Water Connection Fee is to recover the city's costs associated with the construction of water improvements (including appurtenant electrical improvements) that are of benefit to the property being connected to the water improvements, as well as to fund costs associated with the installation of fire risers serving such property.

(F) Airport Water Connection Fees collected by the city pursuant to this section shall be segregated from the other funds of the city, except for purposes of investment, and such connection fees shall be expended only for the purposes set forth in division (E) of this section. Any interest income earned from the investment of connection fee proceeds shall be also treated as connection fee proceeds for this purpose of this division (F).

(G) The Finance Director shall annually make the report required by Cal. Gov't Code § 66013(d) with respect to the airport water connection fee.

(H) The airport water connection fee is in addition to any charges imposed by the city (or water supplier) for water service or to recover actual costs of installing meters, water laterals and appearances (other than facilities common to all users) to serve a new structure.

(I) Any airport water connection fee rates established by the City Council shall automatically be adjusted each July 1 by the rate return of the Local Agency Investment Fund of the State of California since the last date on which the rate was established or adjusted. No action of the City Council is required to cause this annual adjustment.

(J) The rate of the Airport Water Connection Fee charged pursuant to division (A) shall be \$4.49/square foot of permitted space. This rate may be amended by ordinance or resolution of the City Council. Beginning July 1, 2010, this rate shall be subject to automatic adjustment pursuant to division (I) of this section.

(Ord. 09-04, eff. 10-29-2009)

CHAPTER 75: TRAFFIC SCHEDULES

Schedule

I. Special speed zones

SCHEDULE I. SPECIAL SPEED ZONES.

The Traffic Engineer is hereby authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

(1973 Code, § 4-4.1601) (Ord. 560, eff. - -)

Street	Location	Speed Limit	1973 Code	Ord. No.	Date Effective
Maidu Drive	Extending southerly from Maple Street to Pacific Avenue	35 mph	4-4.1602	703	4-27-1977
Maidu Drive	From Pacific Avenue southerly to Auburn-Folsom Road	45 mph	4-4.1602	703	4-27-1977

Penalty, see § 10.99

ORDINANCE NO. 10-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN
REPEALING SECTIONS 11.30 - 11.34, SECTIONS 31.080 - 31.081,
SECTION 35.01, SECTIONS 50.25 - 50.31, CHAPTER 51,
AND CHAPTER 75 OF THE AUBURN MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Sections 11.30 - 11.34 of the Auburn Municipal Code regarding citations are hereby repealed.

Section 2. Code Amendment. Sections 31.080 - 31.081 of the Auburn Municipal Code regarding law enforcement officers are hereby repealed.

Section 3. Code Amendment. Section 35.01 of the Auburn Municipal Code regarding smoking policy is hereby repealed.

Section 4. Code Amendment. Sections 50.25 - 50.31 of the Auburn Municipal Code regarding the City dump are hereby repealed.

Section 5. Code Amendment. Chapter 51 of the Auburn Municipal Code regarding water is hereby repealed.

Section 6. Code Amendment. Chapter 75 of the Auburn Municipal Code regarding traffic schedules is hereby repealed.

Section 7. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 8. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

Section 9. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

DATED: February 22, 2010

BRIDGET POWERS, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 22nd day of February 2010 by the following vote on roll call:

Ayes:

Noes:

Absent:

Joseph G. R. Labrie, City Clerk